

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

MICHEALE A. GORMAN	:	CIVIL ACTION
	:	
vs.	:	
	:	
WARWICK TOWNSHIP,	:	
OFFICER EDWARD LOUX,	:	
CORPORAL AARON M. RICHWINE	:	
and OFFICER BARRY J. SZAMBOTI	:	

ORDER

____AND NOW, this 31st day of March, 2011, upon consideration of the Partial Motion to Dismiss Plaintiff's Complaint Pursuant to Fed. R. Civ. P. 12(b) (6) and for the reasons set forth in the preceding Memorandum Opinion, it is hereby ORDERED that the Motion is GRANTED IN PART and DENIED IN PART as follows:

1. Count I is DISMISSED without prejudice as against Defendants Hueber and Szamboti and with prejudice as against Defendant Warwick Township. Plaintiff is GRANTED leave to Amend Count I of the Complaint against Defendants Hueber and Szamboti within twenty (20) days of the entry date of this Memorandum and Order.

2. Counts II and III of the Complaint are DISMISSED with prejudice in their entirety.

3. Counts V, VI and VII are DISMISSED with prejudice as against both of the individual defendants named therein in their

official capacities and against Warwick Township.

4. Plaintiff's claims for punitive damages are DISMISSED with prejudice as against all of the defendants save for Officer Edward Loux.

In all other respects, the Defendants' Partial Motion to Dismiss is DENIED.

BY THE COURT:

s/J. Curtis Joyner
J. CURTIS JOYNER,

J.